IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO 2552 OF 2003
IN
SUIT NO.2746 OF 2003

Birendra Kumar Choudhary ..Plaintiff.
V/s
L.K. Mirchandani and others ..Defendnats.

None for the plauintiff.

Prakash Shinde i/b M/s M. Dhurva and Co. for the defendnats.

CORAM : ANOOP V.MOHTA J.

DATE : 15TH SEPTEMBER, 2005.

P.C.

. None appeared for the plaintiff again. The matter was on board on 12/9/2005, also when none had appeared for the plaintiff. Mr. Prakash Shine, the learned Counsel appeared for the defendants.

2. A notice of motion has been taken out by the plaintiff and also prayed for ad interim relief. However, by an order dated 8th September, 2003 no ad interim was granted. It was always open for the members of the Association to convey a meeting in terms of bye-laws and proceed accordingly. The nature of relief, as claimed in notice of motion by declaration of relief

in respect of Co-ordination Committee formed by resolution dated 6/6/2003 cannot be granted at this stage. The direction to convey the meeting at the earliest but by not latter than 9/9/2003 for constitution of CWC at the head quarter by defendant No.2, also cannot be granted pending the hearing and final disposed of the suit, as prayed. In this background, there is no question of granting ad interim order or injunction against the defendant No.3 in day today working of Co-ordination Committee and or an election of Co-ordination Committee by CWC. There are no basic pleadings and particulars made out in the affidavit in support of notice of motion for grant of any ad interim relief or interim relief. The learned Judge, therefore, rightly rejected the ad interim relief, as prayed by the order dated 8th September, 2004. The main prayers in the suit are similar to the prayer in the present notice of motion, which even otherwise cannot be granted at this stage. In view of this, the notice of motion is disposed of.

[ANOOP V. MOHTA, J.]